REMARKS

Claims 7, 11-14, 19, 20, 22-25, 29-37, 39-42, and 46-53 were pending in the present application as of the date of the final Office Action. In this Amendment, Applicant has cancelled the claims which had been previously withdrawn from consideration: Claims 1-6, 8-10, 15-18, 21, 26-28, 38, 43-45, 54-59, 71-31, 78-81, and 83-96. Applicant respectfully reserves his right to pursue, in a continuing application, patent protection directed to claims that are cancelled herewith.

The Examiner has rejected all of the pending claims under 35 U.S.C. § 112, first paragraph. The Examiner also has rejected all of the pending claims under 35 U.S.C. § 112, second paragraph. The Examiner has rejected claims 7, 11, 13, 20, 22-24, 29-31, 33, 36-37, 39-41, 46-48, 50, and 53 under 35 U.S.C. § 102(a) as anticipated by USP 6,477,552 (Ott '552). Applicant has rewritten objected-to claims in independent form, and cancelled corresponding independent claims. Therefore, with this Amendment, claims 12, 14, 19, 25, 32, 34, 35, 36, 39, 40, 49, 51, 52, and 53 are pending. Applicant respectfully requests reconsideration and allowance of the claims in view of the following remarks.

- The Telephone Interviews

First, Applicant thanks the Examiner for the courtesies extended during the telephone interviews conducted February 19, March 9, and April 23, 2009. The interviews focused on § 112 issues (particularly on the meaning of "free" bit and "empty" bit) and on the prior art rejections.

Applicant believes that the foregoing amendments, in view of the discussion during the interviews, as well as the following discussion, address all outstanding points, so that the application should be in condition for allowance.

- The § 112 Rejections

Applicant had understood that the free bit/empty bit discussion in the last response, coupled with other matters discussed with the Examiner during the interviews, resolved the outstanding § 112 issues. During one of the conversations, the Examiner referred to Fig. 6, and particularly to elements 601 (allocation register), 650 (next free bit finder, the detail of which may be found in Fig. 2), and 605 (allocation SRAM), and suggested that in order to overcome rejections under 35 U.S.C. § 112, second paragraph, the independent claims should contain some reference to these elements. Applicant notes that in paragraph [55] on page 11 of the specification, for example, it is stated that the next free bit finder 650 is the apparatus shown in Fig. 2. Applicant thus respectfully submits that currently amended independent claims 12, 14, 19, 25, 32, 34, 35, 49, 51, and 52 now include suitable recitation directed to each of these elements.

Preliminarily, Applicant notes that the discussion in Figs. 2 and 6 refer to a "free" bit. While Applicant believes the terms "free bit" and "empty bit" in the present application to be interchangeable, in order to provide consistency with the Fig. 2 and Fig. 6 description, Applicant has changed the word "empty" to "free" in all of the claims.

Looking now at the specification, paragraphs [19] – [32], pages 4-7, describe the Fig. 2 apparatus. Paragraphs [29] – [32] describe free bit finders 230-237 in Fig. 2. In the example described, each of these eight free bit finders receives a 16 bit part from an output of vector

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breaker 201, and performs the operation shown in Fig. 1a on that 16 bit part to find the first free

or empty bit in that part. Using free bit finder 0 (230) as an example, the free bit finder receives

part 0, corresponding to the check vector 153 shown in Fig. 1a, and finds the first free bit in part

0. Correspondingly, free bit finder 1 (231) finds the first free bit in part 1, free bit finder 2 finds

the first free bit in part 2, etc. Accordingly, each of the free bit finders 230-237 performs an

operation, described earlier in the specification with respect to Figs. 1a and 1b, and identifies the

first free bit in the part that that free bit finder is charged with handling.

Each of these free bit finders 230-237 outputs its result to a respective encoder 240-247,

which transforms that result from 16 bits to four bits. The decision unit receives the outputs of

the encoders 240-247, and also from encoder 220 forward free bit finder 206, port selector and

current pointer breaker 202, and moves the current pointer to the found free bit.

Since the claims read on the structure in Fig. 2, it is believed that the claims adequately

refer to the next free bit finder in Fig. 6. The rest of the allocation register and the allocation

SRAM are not mentioned in any of the claims, and so are not believed relevant to the issue.

Applicant submits that these amendments and the above accompanying discussion

suitably address the rejections under 35 U.S.C. § 112, first paragraph and second paragraph, and

accordingly respectfully requests that the Examiner reconsider and withdraw this rejection.

- The Prior Art Rejection

Finally, turning to the prior art rejection, Applicant has currently rewritten each of claims

12, 14, 19, 25, 32, 34, 35, 49, 51, and 52 in independent form, incorporating the recitations of all

of the claims from which they depend, either directly or indirectly. The Examiner did not reject

these claims on prior art. Applicant has corrected the improper dependency that the Examiner

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noted in the April 1 Advisory Action. Consequently, Applicant submits that these claims are allowable, as are their dependencies (claims 36, 39, 40, and 53).

<u>Request for Allowance</u>

It is believed that this Amendment places the application in condition for allowance, and early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

The Office is hereby authorized to charge any fees, or credit any overpayments, to Deposit Account No. **11-0600**.

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Respectfully submitted,
KENYON & KENYON LLP

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Dated: April 30, 2009 By: <u>/Frank L. Bernstein/</u>
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